



United States of America,  
Plaintiff,

v.

Aaron Hicks

Defendant.

FCI Memphis

Place of Confinement

23995-055

Federal Register Number

15-cr-33a

Criminal Case Number

**Defendant's Motion for Reduction of Sentence pursuant to 18 U.S.C. § 3582(c)(2)  
and Amendment 821 to the Federal Sentencing Guidelines:**

\_\_\_\_\_ Based on U.S.S.G. § 4C1.1 Adjustment for Zero-Point  
Offenders (for those assessed zero criminal history points at  
sentencing)

☒ Based on U.S.S.G. § 4A1.1(d) & (e) Criminal History Category  
(for those who received "status" points for being under a  
criminal justice sentence at the time of the offense)

**Instructions - Read Carefully**

1. The court has received your request regarding a sentence reduction under Amendment 821 to the Sentencing Guidelines (effective November 1, 2023). You must complete this form motion and return it to the appropriate divisional office listed in instruction 3, below, to enable the court to consider your request. This form should only be used when requesting a sentence reduction pursuant to Amendment 821 to the Sentencing Guidelines and for no other purpose. Amendment 821 provides for reduction in offense level for certain offenders with zero criminal history points (U.S.S.G. § 4C1.1) and reduces or eliminates status points for certain offenders who previously received status points pursuant to U.S.S.G. § 4A1.1(d). Amendment 825 authorizes retroactive reductions effective February 1, 2024 or later. A copy of your original request is included with this form for your reference.
2. This motion must be legibly handwritten or typewritten. All questions must be briefly answered in the proper space on the form.

4. Questionnaires that do not follow these instructions will be returned, and the mistake will be identified.

Questionnaire

1. Name and location of court that entered the sentence that you are asking to reduce:

Western District Court of New York, 2 Niagara Square, Buffalo, NY 14202

2. Date(s) of sentence and judgment of conviction:

February 27, 2019

3. Are you currently in prison for this sentence?

☒ Yes ☐ No

4. If so, when is your projected date of release? 10-14-2040

5. Are you currently on supervised release? ☐ Yes ☒ No

6. Are you currently in prison because you violated your supervised release for the conviction and sentence identified in response to Questions No. 1 and 2?

☐ Yes ☒ No

7. Is your case currently on appeal? ☒ Yes ☐ No

8. Offense(s) for which you were convicted (all counts):

18 U.S.C. § 1962(d), 18 U.S.C. § 1963(a), - Count 1

21 U.S.C. § 846, 21 U.S.C. § 841(b)(1)(D) - Count 2

9. In calculating the applicable sentencing guideline range, were you assessed any criminal history points (U.S.S.G. § 4A1.1)?

☒ Yes ☐ No ☐ Not Sure

9a. If the answer to Question 9 is "No," check the box for all statements that apply to your conviction and sentence:

☐ I received criminal history points from Chapter Four, Part A;

☐ I received an adjustment under § 3A1.4 (Terrorism);

☐ I used violence or credible threats of violence in connection with the offense;

☐ the offense resulted in death or serious bodily injury;

☐ the instant offense of conviction is a sex offense;

☐ I personally caused substantial financial hardship;

☐ I possessed, received, purchased, transported, transferred, sold, or otherwise disposed of a firearm or other dangerous weapon (or induced another participant to do so) in connection with the offense;

☐ the instant offense of conviction is covered by § 2H1.1 (Offenses Involving Individual Rights);

☐ I received an adjustment under § 3A1.1 (Hate Crime Motivation or Vulnerable Victim) or § 3A1.5 (Serious Human Rights Offense);

☐ I received an adjustment under § 3B1.1 (Aggravating Role) or was engaged in a continuing criminal enterprise, as defined in 21 U.S.C. § 848; or

☐ none of the statements above applies to my case.

10. If the answer to Question 9 is "Yes," were you assessed criminal history points for being "under any criminal justice sentence, including probation, parole, supervised release, imprisonment, work release, or escape status" at the time of the offense (a.k.a. "status points") (U.S.S.G. § 4A1.1(d))?

☒ Yes ☐ No ☐ Not Sure

11. If the answer to Question 10 is "Yes," how many criminal history points were assessed in total, including the "status points"?

8

Criminal History Points

12. If you were sentenced on or after April 5, 2023, did the Court provide the benefit of the "status points" or "zero-point offenders" amended guidelines at your sentencing hearing prior to the effective date?

☐ Yes N/A ☐ No ☐ Not Sure N/A

13. List any good conduct that occurred after your original sentencing hearing or any other mitigating circumstances that you would like the Court to be aware of in deciding whether you should receive a sentence reduction (for example, participating in a drug treatment program, or completing your GED or another degree).

I have been conduct free for over 3 years.

I have completed FRP Assignment, and I have  
completed a host of programs, including but not  
limited to: 1 Law library, Basic Business Workshop,  
ACE-Real Estate (INTRO), RPPL6 INSIDE & OUT DAD,  
RPPL6 Point of view, Small Business Finance,  
Personal Tax Preparation, SUIT UP Personality Indicator,  
Black History, Drug Education Program.

For the reasons stated in this motion, I move the court for a reduction in sentence under 18 U.S.C. § 3582(c)(2) and Amendment 821 to the Federal Sentencing Guidelines. I declare under penalty of perjury that the facts stated in this motion are true and correct.

Respectfully submitted this Jan. 21, 2024.

Aaron Hicks

Signature of Defendant

Aaron Hicks

Printed Name

23995-055

BOP No.

FCI Memphis

Federal Correctional Institution (if applicable)

P.O. Box 34550

Address

Memphis, TN 38184

City, State & Zip Code

Aaron Hicks #23995-055  
PCI Memphis  
P.O. Box 34550  
Memphis, TN 38184

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Clerk of Court  
United States Court  
Western District of NY  
2 Niagara Square  
Buffalo, NY 14202

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